

Introduction to Copyright and Fair Use

10:00-11:30 am, August 15, 2019

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Overview

Emilie will cover...

- What is copyright
- What qualifies for copyright protection
- What does not qualify for copyright protection
- Copyright ownership



Overview

Colleen will cover...

- How long copyright lasts
- Fair Use
- General Best Practices

...and then Q&A



Before we get started...

Colleen and I are...

- Librarians, not lawyers
- Give information and informed opinions
- Not legal advice
- Trained in U.S. law, not international



What copyright is: origin

“Congress shall have the Power To...***promote the Progress*** of Science and the useful Arts, by securing ***for limited Times*** to Authors and Inventors the ***exclusive Rights*** to their respective Writings and Discoveries.”

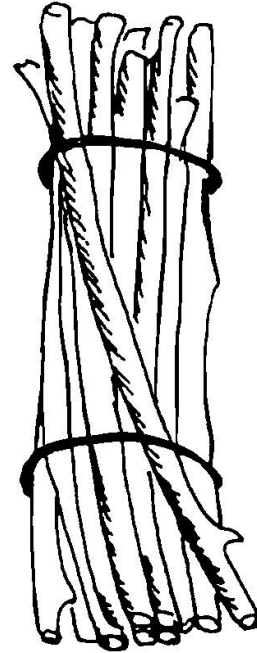
--U.S. Constitution, Article I, Section 8



What copyright is

Exclusive rights = bundle

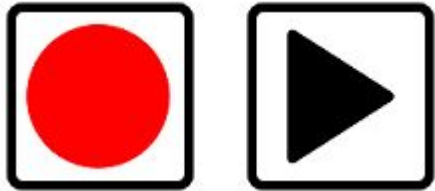
- Copy
- Distribute
- Display
- Perform
- Create a derivative
(e.g. translation, abridgement)



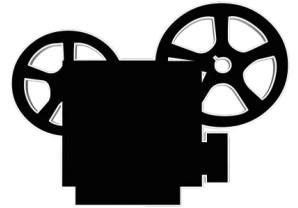
What copyright is: requirements

(1) Originality

(2) Fixed

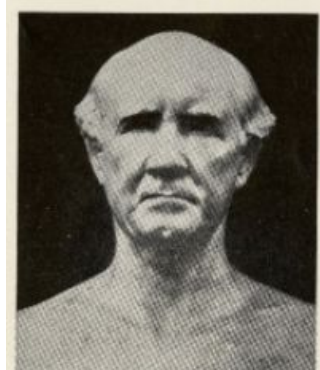


(3) Tangible medium of expression



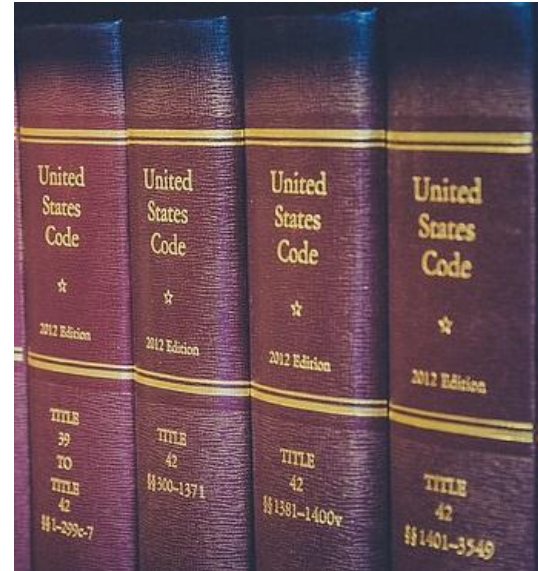
Qualifications for copyright protection

Original, fixed, in a tangible medium of expression



Disqualifies for copyright protection

- Not: original, fixed, in a tangible medium of expression
- Federal government documents



Disqualifies for copyright protection

- Public Domain works
- Ideas, facts



Copyright ownership

Single authorship



Work for Hire

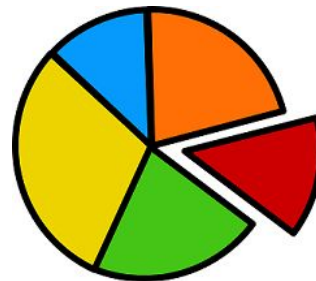


Joint authorship



Copyright ownership continued

- Orphan Works
- Not keep it:
 - Transfer
 - Grant
 - License
 - Limited parts, or whole thing



Recap

- Source: Constitution
- Owner's exclusive rights
- Requirements to qualify
- Works covered & not covered
- Ownership



Switching gears

**Folks -
give us a moment, as we shift from
Emilie to Colleen as a speaker...**



Length of copyright

- In general - life of the author + 70 years
- Corporate authorship is 95 years from publication or 120 years from creation whichever comes first
- Works published before 1924 in the public domain
- Many exceptions!



Length of copyright

Works Registered or First Published in the U.S.

Date of Publication ⁶	Conditions ⁷	Copyright Term ³
Before 1924	None	None. In the public domain due to copyright expiration
1924 through 1977	Published without a copyright notice	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, and without subsequent registration within 5 years	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, but with subsequent registration within 5 years	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
1924 through 1963	Published with notice but copyright was not renewed ⁸	None. In the public domain due to copyright expiration

<https://copyright.cornell.edu/publicdomain>



Fair use

- Legal right to use copyrighted content without asking for permission
- Risk evaluation
- Four factors



Purpose & character of the use



Nature of the work



Amount used



Effect upon the market



Fair use summary

- Your answer will never be a straight yes or no
- Transformative use is highly favored
- Refer to best practice statements whenever possible



General best practices

- Learn copyright - first step to reduce risk
- Find a community of learners
- Give yourself time - this is complicated stuff



General best practices

- Cite your sources
- Read and know your institution's copyright policy - if they don't have one strongly encourage them to adopt one!



Our presentation...

...is now over. Thank you for joining us!

Questions?



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